

BOARDS AND COMMISSIONS
Kentucky Applied Behavior Analysis Licensing Board
(Amendment)

201 KAR 43:050. Requirements for supervision.

RELATES TO: KRS 319C.050(1) and 319C.060(2)(a)-(d)

STATUTORY AUTHORITY: KRS 319C.060(2)(a)-(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

Section 1. Definitions. (1) "Direct supervision" means in-person interactions between the supervisor and the licensee under his or her supervision which includes direct observation of actual service provision to individuals.

(2) "General supervision" means interactions between the supervisor and the licensee under his or her supervision involving real time visual and auditory contact, conducted in-person or via electronic means.

(3) "Licensed supervisee" means an individual holding licensure in Kentucky as a licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst permitted to practice the items from the most current BCBA Task List for Temporary Licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts under the direction of a Licensed Behavior Analyst qualified to supervise.

(4) "Supervisee" means a person who is not licensed but acts under the extended authority and direction of a licensed behavior analyst or a licensed assistant behavior analyst to provide applied behavior analysis services; and limits their practice to the items from the most current BACB Registered Behavior Technician Task List.

(5) "Unlicensed supervisee" means an individual accruing fieldwork/experience toward fulling eligibility requirements for BCaBA or BCBA certification without a license permitted to practice the items from the most current BCBA Task List for Temporary licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts under the direction of an individual qualified to supervise under the Behavior Analyst Certification Board's (BACB) supervision standards under limited conditions.

Section 2. Qualifications to Supervise. In order to provide supervision to a licensed ~~supervisee~~[assistant behavior analyst, a temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst], a Licensed Behavior Analyst~~[licensed behavior analyst]~~ shall:

(1) Be licensed in good standing in Kentucky;

(2) Be currently certified by the Behavior Analyst Certification Board as a:

(a)[(1)] Board Certified Behavior Analyst[,] (BCBA); or

(b)[(2)] Board Certified Behavior Analyst - Doctoral[,] (BCBA-D); and

(3) Meet and maintain qualifications to supervise under the Behavior Analyst Certification Board's (BACB) supervision requirements.

Section 3. Supervisory Plan and Report of Supervision~~[Supervisor Responsibilities]~~. (1) Except as provided in Section 15~~[46]~~ of this administrative regulation, a supervisory arrangement shall be submitted to the board for approval using a completed Supervisory Plan~~[the Applica-~~

~~tion for Licensure Form~~], as incorporated by reference in 201 KAR 43:010, ~~by~~[with] the supervisor and the licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst petitioning the board in writing].

(2) The supervisor and the licensed supervisee shall jointly complete and submit to the board a completed Supervisory Plan upon application for licensure and again annually or biannually as required in this administrative regulation.

(3) The supervisor and the licensed supervisee shall jointly complete and submit to the board a Report of Supervision either annually or biannually as required in this administrative regulation. A final Report of Supervision shall also be submitted to the board at the end of the supervisory relationship.

(4) In calculating the amount of time spent in full-time practice while under supervision, 1,500 hours of satisfactory supervised practice shall be equivalent to one (1) year of experience.

(a) A licensed assistant behavior analyst with five (5) or more years of full-time practice, or its equivalent, shall submit a Report of Supervision and an updated Supervisory Plan every two (2) years prior to renewal.

(b) A licensed assistant behavior analyst with fewer than five (5) years of full-time practice, or its equivalent, shall submit a Report of Supervision and an updated Supervisory Plan annually on the anniversary of the date of licensure as a licensed assistant behavior analyst and prior to renewal.

(c) A temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst shall submit a Report of Supervision and an updated Supervisory Plan annually on the anniversary of the date of licensure as a temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst. A final Report of Supervision must be submitted upon application for full licensure.

(5) The Supervisory Plan shall include measurable goals for supervision and shall focus on a majority of items from the most current BCBA Task List for Temporary Licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts.

(6) The Report of Supervision shall include:

(a) A description of the frequency, format, and duration of supervision;

(b) An assessment of the functioning of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst, including the strengths and weaknesses;

(c) The methods that the supervisor and licensed assistant behavior analyst practicing under the direction of the supervisor shall employ to plan, report, and evaluate the supervisory process; and

(d) Any other information, which the supervisor deems relevant to an adequate assessment of the practice of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst.

(7) The supervisor and licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst shall submit to the board the description of the supervisory arrangement or a change in the supervisory arrangement by submitting an updated ~~[Annual]~~ Supervisory Plan no later than thirty (30) days after a change in the effective date of the arrangement or change. A final Report of Supervision shall also be submitted at the termination of any supervisory relationship.

(8) The board may require additional supervised practice if recommended by the supervisor on a licensee's Supervisory Plan or Report of Supervision.

Section 4. Supervisory Responsibilities. (1) The supervisor shall assure that the practice of each licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ is in compliance with this administrative regulation. ~~[The supervisor shall include in the Annual Supervisory Plan and keep in the record as required by subsection (6) of this section review, discussions, and recommendations and shall focus on:~~

- ~~(a) Case background information;~~
- ~~(b) Planned behavioral assessment procedures;~~
- ~~(c) Assessment outcomes;~~
- ~~(d) data collection procedures;~~
- ~~(e) Intervention procedures and materials;~~
- ~~(f) Intervention outcome data;~~
- ~~(g) Modifications of intervention procedures;~~
- ~~(h) Ethical issues associated with behavior change services or employment; and~~
- ~~(i) Professional development needs and opportunities.]~~

(2) The supervisor shall report to the board an apparent violation of KRS Chapter 319C on the part of the supervisee~~[licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~.

(3) The supervisor shall inform the board administrator in writing or electronically~~[immediately]~~ of a change in the ability to supervise, or in the ability of a licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ to function in the practice as a licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ in a competent manner.

(4) The supervisor shall control, direct, or limit the behavior analytic duties performed by the licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ practicing under the direction of the supervisor to ensure that these duties are competently performed.

(5)(a) The supervisor of record shall be responsible for the behavior analytic duties of the licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ practicing under the direction of the supervisor.

(b) If the board initiates an investigation concerning a licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ practicing under the direction of the supervisor, the investigation shall include the supervisor of record.

(6)(a) For each person supervised, the supervisor shall maintain a record of each supervisory session that shall include the type, place, and general content of the session.

(b) This record shall be maintained for a period of not fewer than seven (7)~~[six (6)]~~ years after the last date of supervision.

Section 5. Multiple Supervisors.~~[(1) In calculating the amount of time spent in full-time practice while under supervision, 1,500 hours of satisfactory supervised practice shall be equivalent to one (1) year of experience.~~

~~(2) The board may require additional supervised practice if recommended by the supervisor on a licensee's Annual Supervisory Plan or Annual Report of Supervision.~~

~~(3)(a) The supervisor shall provide reports to the board of the supervision of each licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst practicing under the direction of the supervisor as follows:~~

~~1. A licensed assistant behavior analyst with five (5) or more years of full-time practice, or its equivalent, shall submit a report every two (2) years on the anniversary of the date of licensure as a licensed assistant behavior analyst.~~

~~2. A licensed assistant behavior analyst with fewer than five (5) years of full-time practice, or its equivalent, shall submit a report annually on the anniversary of the date of licensure as a licensed assistant behavior analyst.~~

~~3. A temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst shall submit a report annually on the anniversary of the date of licensure as a temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst.~~

~~(b) The report shall be submitted on the Annual Report of Supervision which shall include:~~

~~1. A description of the frequency, format, and duration of supervision;~~

~~2. An assessment of the functioning of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst, including the strengths and weaknesses; and~~

~~3. Any other information which the supervisor deems relevant to an adequate assessment of the practice of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst.~~

~~Section 6.] (1) If a licensed supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] has more than one (1) board-approved supervisor, the supervisors shall be in direct contact with each other at least once every six (6) months, and they shall each provide individual Supervisory Plans and Reports of Supervision to the board as well as[and] copies to each other.~~

~~(2) A request to have more than two (2) supervisors at one (1) time shall be subject to board approval and shall be submitted by new applicants on the licensure application and the[Annual] Supervisory Plan and by existing licensees on the[Annual] Supervisory Plan, which shall include detailed information as to how the supervisors shall communicate and coordinate with each other in providing the required supervision.~~

~~Section 6.[Section 7.] Supervisor Experience. If a licensed supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor is a behavior analyst with less than five (5) years of fulltime, post-certification practice, or its equivalent, or a licensure candidate with temporary permission to practice, the supervisor of record shall:~~

~~(1) Read and countersign all assessments and treatment plans to assess the competency of the licensed supervisee to render applied behavior analytic services;~~

~~(2) Review[treatment plans,] notes and correspondence on an as-needed basis[to assess the competency of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst to render applied behavior analytic services];~~

~~(3) [Jointly establish a supervisory plan with the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst, which shall be submitted to the board at the beginning of the supervisory relationship using the Annual Supervisory Plan. The plan shall:~~

~~(a) Be updated or revised and submitted to the board with the regular report of supervision;~~

~~(b) Include intended format, and goals to be accomplished through the supervisory process; and~~

~~(c) Include methods that the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst practicing under the direction of the supervisor shall employ to evaluate the supervisory process;~~

~~(4)] Have general supervision of the work performed by the licensed supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor at least twice per month;~~

~~(4)]~~(5)] Have direct supervision of the work performed by the licensed supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor at least once every three (3) months;~~~~

~~(5)]~~(6)] Have direct knowledge of the size and complexity of the caseload for each licensed supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor;~~~~

~~(6)]~~(7)] Limit and control the caseload as appropriate to the level of competence of each licensed supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor;~~~~

~~(7)]~~(8)] Have knowledge of the techniques being used by the licensed supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]; and~~~~

~~(8)]~~(9)] Have knowledge of the physical and emotional well-being of each licensed supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor when it has a direct bearing on his or her competence to practice.~~~~

Section 7.~~[Section 8.] Licensed Supervisee Experience.~~ If the licensed assistant behavior analyst~~[or temporarily licensed behavior analyst]~~ is a behavior analyst with more than five (5) years of fulltime, post-certification practice, or its equivalent, the supervisor of record shall:

(1) Review and countersign assessments as needed or appropriate;

(2) Review treatment plans, notes, and correspondence as needed or appropriate;

~~(3) Jointly establish a supervisory plan with each licensed assistant behavior analyst, or temporarily licensed behavior analyst practicing under the direction of the supervisor, which shall be submitted to the board at the beginning of the supervisory relationship using the Annual Supervisory Plan. The plan shall:~~

~~(a) Be updated or revised and submitted to the board with the regular report of supervision;~~

~~(b) Include intended format, and goals to be accomplished through the supervisory process; and~~

~~(c) Include methods that the supervisor and licensed assistant behavior analyst, or temporarily licensed behavior analyst practicing under the direction of the supervisor shall employ to evaluate the supervisory process;~~

~~(3)]~~(4)] Have general supervision of the work performed by each licensed assistant behavior analyst[or temporarily licensed behavior analyst] practicing under the direction of the supervisor at least once per month;~~~~

~~(4)]~~(5)] Have direct supervision of the work performed by each licensed assistant behavior analyst[or temporarily licensed behavior analyst] practicing under the direction of the supervisor at least twice a year;~~~~

~~(5)]~~(6)] Have direct knowledge of the size and complexity of the caseloads for each licensed assistant behavior analyst[or temporarily licensed behavior analyst] practicing under the direction of the supervisor;~~~~

~~(6) [(7)]~~ Limit and control the caseload as appropriate to the level of competence of each licensed assistant behavior analyst~~[or temporarily licensed behavior analyst]~~;

~~(7) [(8)]~~ Have knowledge of the techniques being used by each licensed assistant behavior analyst~~[or temporarily licensed behavior analyst]~~; and

~~(8) [(9)]~~ Have knowledge of the physical and emotional well-being of each licensed assistant behavior analyst~~[or temporarily licensed behavior analyst]~~ practicing under the direction of the supervisor when it has a direct bearing on his or her competence to practice.

Section 8.~~[Section 9.]~~ Supervision Requirements. (1)~~[(a)]~~ A licensed assistant behavior analyst shall meet these supervision requirements, even if he or she is not currently providing behavior analytic services, unless having obtained Inactive status by the board.

~~(2) [(b)]~~ If the licensed assistant behavior analyst is not currently providing behavior analytic services, supervision may focus on guiding the development and maintenance of the licensed assistant behavior analyst's professional knowledge and skills and remaining current with the professional literature in the field.[]

~~(2) Upon resumption of practice, the licensed assistant behavior analyst shall document compliance with continuing education requirements and shall report on his or her activities and employment related to behavior analysis during the period in which the analyst did not practice.]~~

Section 9.~~[Section 10.]~~ Supervision for Part-Time Practice. Supervision requirements for part-time practice may be modified by the board upon approval of the submitted plan. Additional modifications of the format, frequency, or duration of supervision may be submitted for approval by the board.

Section 10.~~[Section 11.]~~ Supervisory Changes. (1) Upon a change of supervisor, an updated~~[Annual]~~ Supervisory Plan shall be submitted by the supervisor that is starting supervision and the licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ to the board for approval. This plan may require additional supervision than was previously approved by the board.

(2) Upon termination of the supervisory relationship, the final~~[Annual]~~ Report of Supervision shall be submitted to the board by the supervisor that is discontinuing supervision within thirty (30) days of the termination.

Section 11.~~[Section 12.]~~ Licensed Supervisee Responsibilities.~~[Responsibilities of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ The licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ shall:

(1) Keep the supervisor adequately informed at all times of his or her activities and ability to function;

(2) Seek supervision as needed in addition to a regularly scheduled supervisory session;

(3) Participate with the supervisor in establishing supervisory goals and in completing the regular supervisory reports;

(4) Be jointly responsible with the supervisor for ensuring that a supervisory report or plan has been sent to the board in accordance with the reporting schedule established in Section 3~~[5]~~ of this administrative regulation; and

(5) Report to the board any apparent violation of KRS Chapter 319C on the part of the supervisor.

Section 12.~~[Section 13.]~~ Identification of Provider in Billing. The actual deliverer of a service shall be identified to the client. A billing for a rendered service shall identify which service was performed by the assistant behavior analyst, temporarily licensed behavior analyst, trainee, supervisee, technician, or other provider and supervised by the licensed behavior analyst.

Section 13.~~[Section 14.]~~ Disciplinary Procedures and Supervision of a Disciplined License Holder. (1) The board shall appoint an approved supervisor to supervise a disciplined license holder for the period of time defined by the final order or settlement agreement conferring the discipline.

(2) When specified by the final order or settlement agreement, the disciplined license holder shall be responsible for paying the costs of supervision.

(3) The supervisor shall:

(a) Review the originating complaint, agreed order, or findings of the disciplinary hearing;

(b) Meet with the disciplined license holder and the board liaison to:

1. Summarize the actions and concerns of the board;

2. Review the goals and expected outcomes of supervision submitted by the board liaison;

3. Develop a specific plan of supervision; and

4. Review the reporting requirements that shall be met during the period of supervision;

(c) Meet with the disciplined license holder at least weekly, on an individual face-to-face basis for a minimum of one (1) hour unless modified by the board;

(d) Submit a quarterly report to the board which reflects progress, problems, and other information relevant to the need for board-mandated supervision;

(e) Ensure that the disciplined license holder's practice is in compliance with KRS Chapter 319C and 201 KAR Chapter 43;

(f) Report to the board any apparent violation of KRS Chapter 319C on the part of the disciplined license holder;

(g) Immediately report to the board, in writing, a change in the ability to supervise, or in the ability of the disciplined license holder to function in the practice of a licensed behavior analyst in a competent manner;

(h) Review and countersign assessments as needed or appropriate;

(i) Review treatment plans, notes, and correspondence as needed or appropriate;

(j) Have direct observation of the disciplined license holder's work on an as-needed basis;

(k) Have direct knowledge of the size and complexity of the disciplined license holder's caseload;

(l) Have knowledge of the therapeutic modalities and techniques being used by the disciplined license holder; and

(m) Have knowledge of the disciplined license holder's physical and emotional wellbeing when it has direct bearing on the disciplined license holder's competence to practice.

(4) The supervisor shall control, direct, or limit the disciplined license holder's practice to ensure that the disciplined license holder's practice is competent.

(5) The supervisor shall contact the board liaison with any concern or problem with the disciplined license holder, his or her practice, or the supervision process.

(6)(a) A final meeting shall be scheduled within thirty (30) days of the end of the established supervision period to summarize the supervision.

(b) The meeting shall include the supervisor, disciplined license holder, and board liaison.

(c) A written summary of the supervision shall be submitted by the supervisor to the board two (2) weeks following this meeting with a copy to the board liaison.

Section 14.~~[Section 15.]~~ Board Liaison for Disciplined License Holder. The board shall appoint a board member to serve as a liaison between the board and the approved supervisor. The board liaison shall:

- (1) Recruit the supervising licensed behavior analyst from a list provided by the board;
- (2) Provide the supervising licensed behavior analyst with the originating complaint, agreed order or findings of the hearing and supply other material relating to the disciplinary action;
- (3) Ensure that the supervising licensed behavior analyst is provided with the necessary documentation for liability purposes to clarify that he or she is acting as an agent of the board and has immunity commensurate with that of a board member;
- (4) Provide the supervising licensed behavior analyst with a written description of the responsibilities of the supervisor and a copy of the responsibilities of the liaison;
- (5) Ensure that the board has sent a written notification letter to the disciplined license holder. The notification letter shall:
 - (a) State the name of the supervising licensed behavior analyst; and
 - (b) Specify that the disciplined license holder shall meet with the supervising licensed behavior analyst and the liaison within thirty (30) days of the date of the notification letter;
- (6) Meet with the supervising licensed behavior analyst and disciplined license holder within thirty (30) days of the date of the notification letter to summarize the actions of the board, review the applicable statutes and administrative regulations regarding supervision requirements for a disciplined license holder, and assist with the development of a plan of supervision. The plan of supervision shall be written at the first meeting;
- (7) Submit the Report of Supervision to the board for approval.
 - (a) The liaison shall place the Report of Supervision on the agenda for review and approval at the next regularly scheduled board meeting.
 - (b) In the interim, the supervising licensed behavior analyst and disciplined license holder shall continue to meet;
- (8) Remain available to the supervising licensed behavior analyst to provide assistance and information as needed;
- (9) Report any problem or concern to the board regarding the supervision and communicate a directive of the board to the supervising licensed behavior analyst;
- (10) Review the quarterly Report of Supervision and forward to the supervision committee of the board for approval; and
- (11) Meet with the supervising licensed behavior analyst and the disciplined license holder at the end of the term of supervision to summarize the supervision.

Section 15.~~[Section 16. Graduate Training.]~~ Unlicensed supervisees shall: (1) Be enrolled in coursework at a Verified Course Sequence (VCS) that meets the most current coursework requirements for eligibility to sit for a Behavior Analyst Certification Board's (BACB) exam;

(2) Be supervised by an individual qualified to supervise under the BACB supervision standards;

(3) Meet the BACB's most current experience requirements for individuals accruing field-work hours to fulfill the eligibility requirements for a BCBA or BCaBA certification exam;

(4) Clearly identify his or her status as an unlicensed supervisee to all clients and payors;
and

(5) Give to all clients and payors the name of the supervisor responsible for his or her work.~~[Applied behavior analysis graduate students. Graduate-level applied behavior analysis students who are providing services in mental health care settings including independent practice settings shall:~~

- ~~(1) Be supervised by a behavior analyst licensed by the board in the state in which the training program exists, or by a licensed mental health professional approved by the training program who is affiliated with either the university training program or the practice setting;~~
- ~~(2) Be registered for credit in his or her course of study;~~
- ~~(3) Clearly identify his or her status as unlicensed trainees to all clients and payors;~~
- ~~(4) Give to all clients and payors the name of the licensed behavior analyst responsible for his or her work; and~~
- ~~(5) Not accept employment or placement to perform the same or similar activities following the completion of his or her university-sanctioned placement, regardless of the job title given, unless the student holds a license from the board].~~

Section 16.~~[Section 17.]~~ Incorporation by Reference. (1) The following material is incorporated by reference:

(a) ~~[ABA-003, "Annual Report of Supervision", July 2015; and~~

~~(b)] ABA-002, "[Annual]Supervisory Plan", October 2021; and~~

(b) Form ABA-003, "Report of Supervision", October 2021~~[July 2015].~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 500 Mero Street, 2 SC 32~~[944 Leawood Drive], Frankfort, Kentucky 40602, [(502) 892-4249~~564-3296, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at aba.ky.gov.

DR. ERICK DUBUQUE, Board Chair

APPROVED BY AGENCY: November 11, 2021

FILED WITH LRC: November 15, 2021 at 10:30 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on January 31, 2022 at 2:00 p.m. in Room 133, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. All attendees shall comply with all Executive Orders relating to the State of Emergency as may be in effect on the date of the public hearing, which may be found at: <https://governor.ky.gov/covid-19>. Members of the public may utilize the following link to attend the meeting by video conference:

Join from PC, Mac, Linux, iOS or Android:

<https://us06web.zoom.us/j/88507454480?pwd=NnAwczNBZTU5TnA3YkRvYWd1Z01MZz09>

Password: 729285

Or Telephone:

Dial:

USA 713 353 0212

USA 8888227517 (US Toll Free)

Conference code: 913047

Find local AT&T Numbers:

<https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=7133530212&accessCode=913047>

Or an H.323/SIP room system:

H.323:

162.255.37.11 (US West)

162.255.36.11 (US East)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)
213.244.140.110 (Germany)
103.122.166.55 (Australia Sydney)
103.122.167.55 (Australia Melbourne)
149.137.40.110 (Singapore)
64.211.144.160 (Brazil)
149.137.68.253 (Mexico)
69.174.57.160 (Canada Toronto)
65.39.152.160 (Canada Vancouver)
207.226.132.110 (Japan Tokyo)
149.137.24.110 (Japan Osaka)
Meeting ID: 885 0745 4480
Password: 729285
SIP: 88507454480@zoomcrc.com
Password: 729285

Individuals interested in attending this hearing shall notify this agency in writing by January 24, 2022, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until January 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782-8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin Winstead

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2)(a)-(d).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter

319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment updates the requirements for a person to function as a supervisor in the practice of behavior analysis.

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 11 licensed assistant behavior analysts, 482 licensed behavior analysts, 6 temporary behavior analysts, and 6 temporary registered telehealth providers.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: This regulation will provide updated requirements and qualifications for a person to function as a supervisor, including generation of Reports of Supervision.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: None.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow supervisors and prospective supervisors to have an updated understanding of the requirements and scope of the supervisory role.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Applied Behavior Analysis Licensing Board is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: None.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 319C.060(2)(a)-(d).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3(c).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: